



Sen. William R. Haine

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09300HB5094sam003

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1 AMENDMENT TO HOUSE BILL 5094

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5094, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, as follows:

5 on page 1, line 5, by changing "3.135" to "3.135, 3.160,"; and

6 on page 5, immediately below line 11, by inserting the  
7 following:

8 "(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)  
9 Sec. 3.160. Construction or demolition debris.

10 (a) "General construction or demolition debris" means  
11 non-hazardous, uncontaminated materials resulting from the  
12 construction, remodeling, repair, and demolition of utilities,  
13 structures, and roads, limited to the following: bricks,  
14 concrete, and other masonry materials; soil; rock; wood,  
15 including non-hazardous painted, treated, and coated wood and  
16 wood products; wall coverings; plaster; drywall; plumbing  
17 fixtures; non-asbestos insulation; roofing shingles and other  
18 roof coverings; reclaimed asphalt pavement; glass; plastics  
19 that are not sealed in a manner that conceals waste; electrical  
20 wiring and components containing no hazardous substances; and  
21 piping or metals incidental to any of those materials.

22 General construction or demolition debris does not include  
23 uncontaminated soil generated during construction, remodeling,

1 repair, and demolition of utilities, structures, and roads  
2 provided the uncontaminated soil is not commingled with any  
3 general construction or demolition debris or other waste.

4 (b) "Clean construction or demolition debris" means  
5 uncontaminated broken concrete without protruding metal bars  
6 or, except in Cook County, with metal bars that do not protrude  
7 more than 2 feet, bricks, rock, stone, reclaimed asphalt  
8 pavement, or soil generated from construction or demolition  
9 activities.

10 Clean construction or demolition debris does not include  
11 uncontaminated soil generated during construction, remodeling,  
12 repair, and demolition of utilities, structures, and roads  
13 provided the uncontaminated soil is not commingled with any  
14 clean construction or demolition debris or other waste.

15 To the extent allowed by federal law, clean construction or  
16 demolition debris shall not be considered "waste" if it is (i)  
17 used as fill material outside of a setback zone if the fill is  
18 placed no higher than the highest point of elevation existing  
19 prior to the filling immediately adjacent to the fill area, and  
20 if covered by sufficient uncontaminated soil to support  
21 vegetation within 30 days of the completion of filling or if  
22 covered by a road or structure, or (ii) separated or processed  
23 and returned to the economic mainstream in the form of raw  
24 materials or products, if it is not speculatively accumulated  
25 and, if used as a fill material, it is used in accordance with  
26 item (i) within 30 days of its generation, or (iii) solely  
27 broken concrete without protruding metal bars used for erosion  
28 control, or (iv) generated from the construction or demolition  
29 of a building, road, or other structure and used to construct,  
30 on the site where the construction or demolition has taken  
31 place, a manmade functional structure not to exceed 20 feet  
32 above the highest point of elevation of the property  
33 immediately adjacent to the new manmade functional structure as  
34 that elevation existed prior to the creation of that new

1 structure, provided that the structure shall be covered with  
2 sufficient soil materials to sustain vegetation or by a road or  
3 structure, and further provided that no such structure shall be  
4 constructed within a home rule municipality with a population  
5 over 500,000 without the consent of the municipality.

6 (Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.);  
7 and

8 on page 24, immediately below line 4, by inserting the  
9 following:

10 "Section 99. Effective date. This Section and the  
11 provisions changing Section 3.160 of the Environmental  
12 Protection Act take effect upon becoming law."